

**REMARKS**

Claims 1-7, 9-14, 65, 66, and 72 constitute the pending claims in the present application. Applicants add new claims 73-76. Support for the subject matter of the newly added claims can be found throughout the specification. No new matter has been added. Exemplary support can be found, for example, in paragraphs [0019] - [0021] and [0100] of the published application. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action.

*Interview Summary*

Applicants thank the Examiner for courtesies extended during a telephonic interview conducted on August 1, 2006. During the interview, the rejection under 35 U.S.C. § 101 was discussed.

*Election/Restrictions*

Applicants note with appreciation the Examiner's clarifying remarks regarding withdrawal of the previously imposed species election requirement.

*Response to Amendment*

Applicants note with appreciation that the previous rejections under 35 U.S.C. § 112 and 35 U.S.C. § 103 have been withdrawn.

*35 U.S.C. § 101*

Claims 1-7, 9-14, 65-66, and 72 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

To expedite prosecution, Applicants have amended claims 1 and 9, and claims dependent thereon, to more particularly point out a tangible manifestation of the claimed method. Specifically, Applicants have amended the claims to more particularly point out that the claimed method includes a step of providing an output that indicates the achieved results (e.g., that indicates assignment of the sample to the winning class or that indicates the weighted vote for the known class). Support for Applicants' amendments can be found, for example, in paragraphs

[0019] - [0021] and [0100] of the published application. Applicants' amendments are believed to clarify that the claimed invention is directed to statutory subject matter, and thus are believed to obviate the rejection.

Applicants' amendments are made solely to expedite allowance of certain commercially relevant aspects of the invention, and are not in acquiescence to the rejection. Applicants reserve the right to prosecute claims of similar or differing scope. Applicants' amendments are believed to obviate the rejection, and reconsideration and withdrawal of this rejection is respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000.

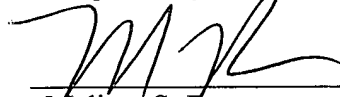
Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to **Deposit Account No. 18-1945**, from which the undersigned is authorized to draw, under **Order No. WIBL-P02-518**.

Date: August 2, 2006

**Customer No: 28120**

Ropes & Gray LLP  
One International Place  
Boston, MA 02110  
Phone: 617-951-7000  
Fax: 617-951-7050

Respectfully Submitted,



Melissa S. Rones

Registration No.: 54,408